

HOUSE BILL 422

M3

01r0059

By: **Chair, Environmental Matters Committee (By Request – Departmental – Environment)**

Introduced and read first time: January 29, 2010

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Department of the Environment – Lead Paint Renovation Training –**
3 **Regulatory Authority**

4 FOR the purpose of authorizing the Department of the Environment to adopt certain
5 regulations governing the performance of certain renovation activities in certain
6 buildings; authorizing the Department to exempt activities and buildings from
7 regulation; defining certain terms; providing for the application of certain
8 provisions of law; and generally relating to performance of lead paint renovation
9 activities.

10 BY repealing and reenacting, with amendments,
11 Article – Environment
12 Section 6–1001 through 6–1004
13 Annotated Code of Maryland
14 (2007 Replacement Volume and 2009 Supplement)

15 BY adding to
16 Article – Environment
17 Section 6–1002.1
18 Annotated Code of Maryland
19 (2007 Replacement Volume and 2009 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article – Environment
22 Section 6–1005
23 Annotated Code of Maryland
24 (2007 Replacement Volume and 2009 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Environment**

2 6–1001.

3 (a) In this subtitle the following words have the meanings indicated.

4 (b) “Abatement” means a set of measures designed to eliminate or reduce
5 lead-based paint hazards in residential, public, or commercial buildings, bridges, or
6 other structures or superstructures in accordance with standards established by the
7 Department which may include:8 (1) The removal of lead-based paint and lead-contaminated dust, the
9 containment or encapsulation of lead-based paint, the replacement or demolition of
10 lead-painted surfaces or fixtures, and the removal or covering of lead-contaminated
11 soil; and12 (2) All preparation, cleanup, disposal, and postabatement clearance
13 testing activities associated with these measures.14 (c) (1) **“INTERIM CONTROL” MEANS A MEASURE DESIGNED TO**
15 **TEMPORARILY REDUCE HUMAN EXPOSURE OR THE LIKELIHOOD OF HUMAN**
16 **EXPOSURE TO LEAD-BASED PAINT HAZARDS.**17 (2) **AN INTERIM CONTROL INCLUDES:**18 (I) **SPECIALIZED CLEANING;**19 (II) **REPAIR;**20 (III) **MAINTENANCE;**21 (IV) **PAINTING;**22 (V) **TEMPORARY CONTAINMENT;**23 (VI) **MONITORING; AND**24 (VII) **ANY OTHER ACTIVITY SPECIFIED BY THE DEPARTMENT**
25 **IN REGULATION.**

26 [(c)] (D) “Lead containing substance” means:

27 (1) Any paint, plaster, or surface encapsulation material containing
28 more than 0.50 percent lead by weight calculated as lead metal in the dried solid or

1 more than 0.7 milligrams lead per square centimeter as measured by an X-ray
2 fluorescence analyzer; or

3 (2) Such other standards consistent with an applicable federal
4 definition as the Department may set by regulation.

5 [(d)] (E) "Person" includes any public or municipal corporation, or any
6 agency, bureau, department, or instrumentality of federal, State, or local government.

7 [(e)] (F) "Provide lead paint abatement services" means to engage in the
8 risk assessment, inspection, or abatement of lead-containing substances.

9 (G) (1) **"RENOVATION" MEANS THE MODIFICATION OF AN EXISTING**
10 **STRUCTURE, OR PORTION OF A STRUCTURE, THAT RESULTS IN THE**
11 **DISTURBANCE OF A PAINTED SURFACE.**

12 (2) **"RENOVATION" INCLUDES:**

13 (I) **THE REMOVAL, MODIFICATION, OR REPAIR OF A**
14 **PAINTED SURFACE OR PAINTED COMPONENT;**

15 (II) **THE REMOVAL OF A BUILDING COMPONENT;**

16 (III) **A WEATHERIZATION PROJECT;**

17 (IV) **AN INTERIM CONTROL THAT DISTURBS A PAINTED**
18 **SURFACE; OR**

19 (V) **ANY OTHER ACTIVITY SPECIFIED BY THE DEPARTMENT**
20 **IN REGULATION.**

21 (H) (1) **"TARGET BUILDING" MEANS A BUILDING CONSTRUCTED**
22 **BEFORE 1978.**

23 (2) **"TARGET BUILDING" INCLUDES A PROPERTY DESIGNED FOR**
24 **ANY OF THE FOLLOWING USES:**

25 (I) **RESIDENTIAL;**

26 (II) **INDUSTRIAL;**

27 (III) **COMMERCIAL;**

28 (IV) **PUBLIC; AND**

1 **(V) ANY OTHER USES AS DETERMINED BY THE**
2 **DEPARTMENT IN REGULATION.**

3 6–1002.

4 **(A) THE REQUIREMENTS OF THIS SUBTITLE DO NOT APPLY TO A**
5 **RENOVATION ACTIVITY OR TARGET BUILDING THAT HAS BEEN EXEMPTED BY**
6 **THE DEPARTMENT BY THE ADOPTION OF REGULATIONS IN ACCORDANCE WITH §**
7 **6–1002.1(B)(1) OF THIS SUBTITLE.**

8 **[(a)] (B)** Except as provided in subsection **[(c)] (D)** of this section, unless the
9 person is accredited by the Department under this subtitle, a person may not:

10 (1) Act as a contractor or supervisor for the purpose of providing lead
11 paint abatement services;

12 (2) Provide training to others who provide lead paint abatement
13 services; or

14 (3) Engage in the inspection of lead–based paint hazards.

15 **[(b)] (C)** The Department shall, by regulation, create exceptions to the
16 accreditation requirement for instances where the disturbance of lead–containing
17 substance is incidental.

18 **[(c)] (D)** An individual who acts only as a worker or project designer need
19 not be accredited, but must be trained.

20 **6–1002.1.**

21 **(A) THE DEPARTMENT MAY ADOPT REGULATIONS GOVERNING THE**
22 **PERFORMANCE OF RENOVATION IN A TARGET BUILDING.**

23 **(B) REGULATIONS ADOPTED UNDER THIS SECTION MAY INCLUDE:**

24 (1) **EXEMPTIONS FROM THE REQUIREMENTS OF THIS SUBTITLE**
25 **FOR SPECIFIC TYPES OF RENOVATION ACTIVITIES OR TARGET BUILDINGS;**

26 (2) **REQUIREMENTS FOR ACCREDITATION OR TRAINING OF**
27 **PERSONS WHO PERFORM RENOVATION AND PERSONS WHO TRAIN OTHERS TO**
28 **PERFORM RENOVATION IN A TARGET BUILDING;**

29 (3) **A REQUIREMENT THAT PERSONS PERFORMING RENOVATION**
30 **ACTIVITIES IN A TARGET BUILDING USE SAFE WORK PRACTICES;**

1 (4) **SAFE WORK PRACTICE STANDARDS AND PROCEDURES FOR**
2 **PERFORMANCE OF RENOVATION IN A TARGET BUILDING, INCLUDING**
3 **POSTRENOVATION CLEARANCE TESTING;**

4 (5) **REQUIREMENTS FOR THE DISTRIBUTION OF EDUCATIONAL**
5 **MATERIALS;**

6 (6) **REQUIREMENTS FOR RECORD KEEPING AND REPORTING; AND**

7 (7) **ESTABLISHMENT OF FEES FOR ACCREDITATION AND**
8 **TRAINING AS REQUIRED BY REGULATIONS ADOPTED IN ACCORDANCE WITH THIS**
9 **SECTION.**

10 6–1003.

11 (a) [The] **EXCEPT AS OTHERWISE PROVIDED IN § 6–1002.1 OF THIS**
12 **SUBTITLE, THE** Department shall adopt regulations to carry out the provisions of this
13 subtitle.

14 (b) Regulations adopted under this subtitle may include:

15 (1) Initial and continuing standards and procedures for accreditation,
16 including education, training, examination, and job performance standards;

17 (2) Standards and procedures for renewal of accreditation;

18 (3) Standards and procedures for modification, suspension, or
19 revocation of accreditation;

20 (4) Different standards and procedures for different lead paint
21 abatement services;

22 (5) Recognition of accreditation or similar approvals of persons by
23 other governmental entities; and

24 (6) Such other provisions as may be necessary to effectuate the
25 purposes of this subtitle.

26 (c) The Department shall review and revise its certification and other
27 regulations under this subtitle as necessary to ensure continued eligibility for federal
28 funding of lead–hazard activities in the State.

29 (d) The Department shall set reasonable fees for the accreditation of persons
30 who provide lead paint abatement, **RENOVATION, OR RENOVATION TRAINING**

1 services sufficient to cover the Department's direct and indirect costs of administering
2 this subtitle.

3 6-1004.

4 (a) There is a Lead Accreditation Fund.

5 (b) (1) All fees collected under [§ 6-1003(d)] **§§ 6-1002.1(B)(7) AND**
6 **6-1003(D) OF THIS SUBTITLE** and fines and penalties imposed under § 6-1005 of
7 this subtitle shall be deposited in the Lead Accreditation Fund.

8 (2) The Department may apply for and accept any funds or grants
9 from any federal, State, local, or private source for credit to the Fund that might assist
10 with development, establishment, administration, and education and enforcement
11 activities of the lead paint abatement **AND RENOVATION** services accreditation
12 [program] **PROGRAMS** under this subtitle.

13 (c) The Department shall use the Lead Accreditation Fund for activities by
14 the Department that are related to processing, monitoring and regulating the
15 accreditation of lead paint abatement **AND RENOVATION** services, and for program
16 development of these activities.

17 (d) (1) The Lead Accreditation Fund shall be a continuing, nonlapsing
18 special fund, and is not subject to § 7-302 of the State Finance and Procurement
19 Article.

20 (2) The State Treasurer shall hold and the State Comptroller shall
21 account for the Accreditation Fund.

22 (3) The Accreditation Fund shall be invested and reinvested. Any
23 investment earnings shall be paid into the Accreditation Fund.

24 6-1005.

25 Except as otherwise provided, the provisions and procedures of §§ 6-420
26 through 6-422 of this title and § 7-266(b) of this article shall be used and shall apply
27 to enforce violations of:

28 (1) This subtitle;

29 (2) Any regulations adopted under this subtitle; and

30 (3) Any condition of accreditation issued under this subtitle.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 July 1, 2010.